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Report of the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo

Addendum

Mission to the United Kingdom of Great Britain and Northern Ireland* **

Summary

The present report contains the findings of the Special Rapporteur on violence against women, its causes and consequences, following her visit to the United Kingdom of Great Britain and Northern Ireland from 31 March to 15 April 2014. It examines the situation of violence against women in the country taking into account its causes and consequences and its implications for the effective exercise and enjoyment of all human rights by women. It also discusses the State's responses, through an analysis of the obligation to act with due diligence, to prevent such violence, to protect and provide remedies to women who have been subjected to violence, and to prosecute and punish the perpetrators.

* The summary is being circulated in all official languages. The report itself, contained in the annex to the summary, is being circulated in the language of submission only.

** Late submission.

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Annex

[English only]

Report of the Special Rapporteur on violence against women, its causes and consequences, on her mission to the United Kingdom of Great Britain and Northern Ireland (31 March–15 April 2014)

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I. Introduction

1. At the invitation of the Government, the Special Rapporteur on violence against women, its causes and consequences, Rashida Manjoo, conducted an official visit to the United Kingdom of Great Britain and Northern Ireland, from 31 March to 15 April 2014. She visited London, Leicester, Bristol, Cardiff, Edinburgh, Glasgow, Belfast and Cookstown, where she met both State and non-State actors.

2. In London, consultations were held with the Home Secretary, the Minister of State for Crime Prevention, the Chief Executive of the Office of the Children's Commissioner, the Chief Inspector of Prisons, and representatives from the Government Equalities Office, the Foreign and Commonwealth Office, the Department of Health, the Department of Education and the Ministry of Justice. She also attended a public meeting of the Parliament's Joint Committee on Human Rights.

3. In Scotland, the Special Rapporteur met with the Cabinet Secretary for Justice, the Cabinet Secretary for Commonwealth Games, Sport, Equalities and Pensioners' Rights, the Chief Constable of Police Scotland, the Procurator Fiscal for domestic abuse cases and representatives of the Scottish Government Equality Unit; the Justice Directorate; the Learning Directorate and Education Scotland.

4. In Northern Ireland, she met with the departmental representatives of the Regional Steering Group on the Joint Sexual and Domestic Violence and Abuse Strategy, junior ministers and Gender Equality Strategy officials from the Office of the First Minister and the Deputy First Minister.

5. In Wales, the Special Rapporteur met with the Minister for Communities and Tackling Poverty, the Head of the Equalities Team of the Welsh Government; the Police and Crime Commissioner for South Wales and his deputy; and officials representing the Minister for Local Government and Government Business, the Minister for Education and Skills, the Minister for Housing and Regeneration and the Minister for Health and Social Services.

6. The Special Rapporteur also met representatives of the Equality and Human Rights Commission (in both England and Wales), the Scottish Human Rights Commission and the Northern Ireland Human Rights Commission.

7. The Special Rapporteur wishes to express her appreciation to all her interlocutors, including State authorities, and civil society representatives and especially individual survivors in the four constituent countries. Owing to limitations on the length of documents submitted to the Human Rights Council, it is not possible to convey all the information received in the present report. The report will adopt a general approach and briefly highlight specificity, where it is of relevance.

8. The Special Rapporteur looks forward to a fruitful dialogue with the Government and other stakeholders on the implementation of her recommendations.

II. Manifestations of violence against women and girls, its causes and consequences

A. Violence in the family

9. Domestic violence is one of the most pervasive forms of violence against women in the United Kingdom. Crime surveys for England and Wales reveal that 30 per cent of

women reported having experienced some domestic abuse since the age of 16, and 7 per cent reported having experienced some type of domestic abuse in the course of the last year.[1] In 2012–2013, 77 women were killed by their partners or ex-partners.[2]

10. The incidence of domestic and sexual violence across Northern Ireland during the 2012/13 period included 27,190 incidents of domestic abuse, 5 murders as a direct result of domestic violence and 404 sexual offences with a domestic motivation. During 2011/12, 697 victims and their children were recorded as being homeless as a result of domestic violence.[3]

11. In Scotland for the 2012/13 period there were 60,080 incidents of domestic abuse; 61 per cent involved repeat victimization; and women were the victims in 81 per cent of the incidents in which the sex of the victim was recorded.[4] Furthermore, for homicides recorded in the past 10 years, 50 per cent of female victims, aged between 16 and 70 years, were killed by their partner or ex-partner, while this was the case for only 6 per cent of male victims.[5]

12. A 2014 Europe-wide survey on violence against women found that 29 per cent of respondents in the United Kingdom had experienced physical and/or sexual violence committed by a current and/or previous partner since the age of 15. This is above the European Union average for the survey, which was 22 per cent.[6]

13. The Government's Forced Marriage Unit gave advice or support related to forced marriage in 1,302 cases in 2013. Victims included people thought to be at potential risk, those going through forced marriage, and those who had already been forced to marry, with 82 per cent of female victims and 40 per cent under the age of 18.[7] Ninety-seven cases involved victims with disabilities and 12 involved victims who identified as lesbian, gay, bisexual or transgender.[8]

14. Forced and early marriage affects a wide range of communities in the United Kingdom, including the Irish Traveller community, as well as Afghan, South Asian, Kurdish, Iraqi Kurd, Arab and some African communities. Some interlocutors believe that only some of these communities are targeted by existing policy and service frameworks and other marginalized communities are not included in the discussions and efforts to address the problem.[9]

15. A 2007 study estimates that at least 66,000 women and girls in England and Wales may be living with the consequences of female genital mutilation (FGM) and 21,000 girls

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[1] Information provided by the Home Office and also from the Crime Survey for England and Wales 2012/13.

[2] Office for National Statistics, *Focus on violent crime and sexual offences 2012/13* (2013), chap. 4 "Intimate Personal Violence and Partner Abuse".

[3] See www.dhsspsni.gov.uk/dsva-strategy.pdf.

[4] See www.scotland.gov.uk/Publications/2013/10/2411/downloads#res435527, tables 1, 4 and 9.

[5] See www.scotland.gov.uk/Resource/0043/00435280.pdf, p. 15.

[6] See http://fra.europa.eu/sites/default/files/fra-2014-vaw-survey-main-results-apr14_en.pdf.

[7] See https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/291855/FMU_2013_statistics.pdf.

[8] Ibid.

[9] Imkaan submission to the Government's forced marriage consultation, p. 2. For additional information, see www.gov.UK/stop-forced-marriage.

under the age of 8 are deemed to be at risk, based on the countries of origin of women and girls.[10] The Home Office is currently partly funding a study to obtain accurate statistics.

16. The current focus is largely on girls being taken to their countries of origin so that FGM can be carried out during the summer holidays, but concerns were also shared about girls undergoing FGM within the United Kingdom. During the Special Rapporteur's visit, the Crown Prosecution Service announced the first prosecution of a FGM case against a doctor accused of performing FGM and another man charged with intentionally encouraging FGM. This is the first prosecution since the Female Genital Mutilation Act 2003 and the Prohibition of Female Genital Mutilation (Scotland) Act 2005 came into force.

17. According to interviewees, women victims of harmful practices, especially from black and minority ethnic and refugee communities, are more likely to view their experience within the context of family or community expectation, rather than as a form of abuse. Socialization, dependency and the "normalization" of certain practices contribute to the silence of young women and girls in particular.

B. Violence in the community

18. A total of 60,894 sexual offences were recorded by the police for 2013 across England and Wales, representing an increase of 17 per cent compared to the previous year. Rape increased by 20 per cent and other sexual offences by 15 per cent.[11]

19. Media and other reports suggest that some of the increased reporting of sexual offences may be linked to the publicity surrounding the Saville case and Operation Yewtree.[12] This view was not shared by the civil society organizations interviewed.

20. Based on combined data from the 2009–2010 and 2011–2012 periods, an estimated 2.5 per cent of women reported having experienced sexual assault, including attempted assaults.[13] Other incidents of sexual assault, which include indecent exposure, unwanted touching and sexual threats, accounted for 91 per cent of cases, while sexual assault which includes rape and assault by penetration accounted for 21 per cent of all sexual assaults.[14]

21. In Northern Ireland, 1,948 sexual offences and 533 rapes were reported during the 2012–2013 period,[15] a 6.1 per cent increase in overall sexual offences since the 2011–2012 period.[16] In Scotland, the number of sexual offences for the same period was 7,693, representing a 5 per cent increase from the previous year. Crimes of rape and attempted rape increased by 15 per cent and crimes of sexual assault and other sexual offences increased by 3 per cent in Scotland.[17]

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[10] Efua Dorkenoo, Linda Morrison and Alison Macfarlane, "A Statistical Study to Estimate the Prevalence of Female Genital Mutilation in England and Wales" (London, FORWARD with the London School of Hygiene and Tropical Medicine and City University, 2007), p. 27.

[11] See www.ons.gov.uk/ons/dcp171778_360216.pdf, p. 39.

[12] See www.nspcc.org.uk/globalassets/documents/research-reports/yewtree-report-giving-victims-voice-jimmy-saville.pdf and www.ons.gov.uk/ons/dcp171778_360216.pdf, p. 39.

[13] See https://www.gov.uk/government/statistics/an-overview-of-sexual-offending-in-england-and-wales.

[14] Ibid.

[15] See www.dhsspsni.gov.uk/dsva-strategy.pdf, p. 27.

[16] See www.psni.police.uk/monthly_crime_bulletin_apr-mar_12_13.pdf, p. 2.

[17] See www.scotland.gov.uk/Resource/0042/00427834.pdf, p. 7.

22. According to interlocutors, 38 per cent of women victims of the most serious sexual offences in England and Wales in 2011–2012 did not tell anyone, and 87 per cent did not tell the police.[18] Issues such as victim-blaming and a lack of trust in the justice system discouraged women from disclosing incidents.

23. As regards sexual harassment, it was reported that 42 per cent of young women in London aged between 18 and 34 experienced unwanted sexual attention in 2013.[19] Girls aged between 16 and 18 are reportedly at the highest risk of sexual assault,[20] while women aged between 18 and 29 are at greatest risk of threatening and offensive advances on the Internet.

24. The Special Rapporteur met with young women, the representatives of organizations that represent young women in London and Bristol, as well as with the service providers working with black and minority ethnic girls, who shared concerns regarding the grossly underreported problem of sexual violence experienced by women and girls aged between 11 and 25. A 2010 poll indicates that almost one in three 16–18-year-old girls surveyed had experienced unwanted sexual touching at school.[21] A 2009 study indicates that one in three teenage girls had experienced sexual violence from a partner while in a relationship.[22] Service providers reported an overwhelming normalization of attitudes and behaviours around sexual abuse and harassment in schools and in the community, leading to its acceptance and tolerance, even by victims themselves. Cases of groping, harassment, sexual abuse and other offences, occurring in private and public spaces, including school bathrooms, have been documented.

25. Regarding Internet violence, a recent study found that many women and girls had been exposed to harmful behaviours online, including humiliation, harassment, intimidation and "sexting" as a form of bullying.[23] Furthermore, interviewees stated that boyfriends commonly published, and/or threatened to publish, photographs of consensual sexual activity to harass and manipulate women and even force them to engage in sexual activity with the boyfriend and/or their friends.

26. Young girls involved in gangs are often raped and forced to carry drugs and guns. They are pressured to have sex with boys as an initiation into a gang and have been abducted and sexually assaulted for criticizing gang members. Young women associated with rival gangs are targeted[24] and, in some cases, forced to take part in a "line-up", where they are made to perform sexual acts on several men.[25] Interviewees allege that some schools turn a blind eye to gang activity in order to protect their reputation.

27. For women and girls from black and minority ethnic communities, the consequences of sexual violence include additional fears, pressure, shame linked to family honour and community norms, stigmatization and rejection. This then leads to further silence in these families and communities.

[18] See www.ons.gov.uk/ons/rel/crime-stats/crime-statistics/focus-on-violent-crime/stb-focus-on--violent-crime-and-sexual-offences-2011-12.html, p. 74.

[19] United Kingdom, YouGov, "Sexual Harassment in the Capital" (2010).

[20] See www.cps.gov.uk/news/articles/domestic_violence_-_the_facts_the_issues_the_future/.

[21] See End Violence Against Women and YouGov poll of 16-18 year olds, October 2010.

[22] See www.nspcc.org.uk/globalassets/documents/research-reports/partner-exploitation-violence-teenage-intimate-relationships-report.pdf.

[23] See www.nspcc.org.uk/globalassets/documents/research-reports/qualitative-study-children-young-people-sexting-report.pdf%20%E2%80%83.

[24] See www.theguardian.com/society/2014/jul/19/gangs-rape-lists-sex-assault.

[25] See www.rota.org.uk/?q=webfm_send/26.

C. Violence perpetrated or condoned by the State

28. The Special Rapporteur visited Hydebank Wood Prison in Northern Ireland, Cornton Vale Prison in Scotland and Holloway Prison for Women and Young Offenders in London.

29. The Special Rapporteur regrets that, despite her repeated requests from the start of the mission, the Government did not permit a visit to Yarl's Wood Immigration Removal Centre. In compliance with the Code of Conduct for Special Procedures Mandate-holders of the Human Rights Council (Council resolution 5/2, annex) and the terms of reference for fact-finding missions by special rapporteurs/representatives of the Commission on Human Rights (E/CN.4/1998/45, appendix V) governing official country visits, she attempted to visit the Centre independently. However, she was denied entry and was informed by the Centre's director that instructions had been received to deny entry to the Special Rapporteur.

30. There is an increase in women being incarcerated, with black and minority ethnic women overrepresented within prisons and immigration detention centres. A 2007 report indicates that ethnic minority women made up 28 per cent of the women's prison population, representing over three times that of the general population.[26] Furthermore, black and minority ethnic women were more likely to be living in a deprived area, more likely to be subject to poverty, to have experienced the State care system and to find it harder to access educational opportunities. They were also more likely to be remanded in custody than white offenders, and their disadvantage and marginalization continues and is compounded in the criminal justice system.[27]

31. Reports indicate that over half of women in prisons have experienced emotional, physical or sexual abuse, including during childhood.[28] This was confirmed in interviews with inmates and staff, and it was clear that the strong links between violence against women and women's incarceration, whether prior to, during or after incarceration, is not being fully acknowledged or addressed.

32. Information provided by interviewees, and echoed in recent reports, reflects that female inmates are much more likely to repeatedly self-harm, and that they are at high risk of suicide. Concerns were expressed about the Government's failure to protect women from high levels of self-harm while in State custody.[29] It is unfortunate that the Special Rapporteur was not allowed sufficient privacy and access, particularly while visiting Holloway Prison. The hesitation of the staff to allow direct access to inmates adversely affected the gathering of information and this contributed to inmates being reluctant to speak freely.

33. The Special Rapporteur also heard concerns about the number of young women who are incarcerated, which was strikingly evident during the prison visits she conducted.

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[26] See www.justice.gov.uk/publications/docs/corston-report-march-2007.pdf, p. 23.

[27] See ibid., p. 27.

[28] See **Error! Hyperlink reference not valid.**www.prisonreformtrust.org.uk/Portals/0/Documents/Prison%20the%20facts%20May%202014.pdf and www.gov.uk/government/uploads/system/uploads/attachment_data/file/252851/womens-custodial-estate-review.pdf.

[29] See Equality and Human Rights Commission, Human Rights Review 2012 (www.equalityhumanrights.com/about-us/our-work/human-rights/human-rights-review-2012/review) and "Self-harm in prisons in England and Wales: an epidemiological study of prevalence, risk factors, clustering, and subsequent suicide" *The Lancet*, vol. 383, No. 9923, 29 March 2014, pp. 1147–1154. Available from www.thelancet.com/journals/lancet/article/PIIS0140-6736(13)62118-2/fulltext.

Interviewees stated that younger women are more likely to be involved in incidents of self-harm, antisocial behaviour and physical altercations.

34. In a 2013 report, the Chief Inspector of Prisons had raised concerns regarding the inadequate handling of cases, with women's histories of victimization not being sufficiently acknowledged by the authorities, or detainees with clear trafficking indicators not being referred to the relevant mechanisms. Particular concern was expressed about women who had been detained for very long periods, as well as mentally ill women and pregnant women who were detained despite their situations and without a clear justification.[30]

35. A concern raised by the Chief Inspector and non-governmental organizations (NGOs) is the lack of sufficient female staff in female custodial settings. Interviewees stated that women who have experienced rape and sexual violence experience fear and distress about being guarded by male staff, including having male staff enter rooms without notice, and the disregard for privacy, with women often being seen naked or when using the toilet.

36. Concerns were raised about allegations of ill-treatment and abuse within immigration detention facilities, including at Yarl's Wood. Prior to the visit of the Special Rapporteur, there were numerous media reports of allegations of abuses in the detention centre, based on the testimonies of both former Yarl's Wood detainees and former Serco employees.[31] Such reports refer to a culture of bullying and intimidation of detainees, with guards often entering rooms without knocking and women being constantly monitored with no respect for their privacy. More serious allegations include sexual activity, not always consensual, between staff and detainees, and the existence of "blind spots" in the facility where these activities have taken place.[32] The Chief Inspector of Prisons has stated that, even if/when sexual activity was "consensual", this "can never be less than abusive given the vulnerability of the detained population".[33]

37. The Special Rapporteur was also informed of these allegations during her interviews with NGO representatives and through submissions received prior to and after her visit. Some NGOs also reported cases of physical assault and threats by staff during the process of removal and deportation. These include allegations of sexual assaults perpetrated on three occasions against one individual by a Serco employee and the failure of the police to conduct an impartial, adequate or effective investigation into the victim's allegations. The Special Rapporteur also heard directly the allegations of a former Serco service provider, who shared concerns about the safety and well-being of individuals who had been subjected to abuse, or were likely to be subjected to abuse, and who remained vulnerable. Claims include detainees not receiving a full and proper in-depth mental health assessment; the untimely and inadequate treatment of detainees who had subjected themselves to serious self-harm and suicidal acts; the inconsistent application of individual safeguards; and allegations of sexual assaults not being properly investigated.

38. The 2013 report on Yarl's Wood by the Chief Inspector of Prisons was based on more than 50 confidential interviews, and found the establishment to be largely respectful and a safe place for detainees. No evidence was found of a culture of victimization or

[30] See www.justice.gov.uk/downloads/publications/inspectorate-reports/hmipris/immigration-removal-centre-inspections/yarls-wood/Yarls-Wood-2013.pdf, p. 5.

[31] Serco is a private company that has run Yarl's Wood since April 2007.

[32] See, for example, www.theguardian.com/uk-news/2014/may/24/serco-whistleblower-yarls-wood-pressure-immigration and www.theguardian.com/uk-news/2013/sep/14/detainees-yarls-wood-sexual-abuse.

[33] See www.justice.gov.uk/downloads/publications/inspectorate-reports/hmipris/immigration-removal-centre-inspections/yarls-wood/Yarls-Wood-2013.pdf, p. 5.

systematic abuse.[34] The reaction of some NGO service providers to this finding is that such a claim could be partly explained because victims interviewed had not yet been granted refugee status, and that it is usually former detainees who will talk more freely about their experiences, both positive and negative, after their status is secured.[35]

D. Violence linked to the transnational sphere

39. The United Kingdom is a destination country for migrant and asylum-seeking women, with approximately 30 per cent of asylum applications being submitted by women in their own right since 2003. In 2012, 6,071 of a total of 21,785 asylum seekers were women.[36]

40. A recent report indicates that over 85 per cent of the interviewees claimed they had been raped, tortured or both in their country of origin.[37] While Home Office statistics do not indicate whether gender-based persecution is the basis of a woman's claim, research reflects the high prevalence of gender-based violence suffered by asylum-seeking women in their country of origin, during transit or within the United Kingdom.[38]

41. Concerns were raised regarding the inadequate assessment made by the Home Office to identify and acknowledge women's past experiences of violence when applying for asylum. A 2013 report states that, "women are less likely than men to receive a correct initial decision on their asylum claim".[39] It is estimated that approximately one third of women are granted asylum on appeal, with cases being overturned because of poor initial credibility assessments.[40]

42. The Office of the United Nations High Commissioner for Refugees has also voiced concerns that women asylum seekers may not have their protection needs appropriately assessed, or have the ability to speak in confidence about any gender-based violence they might have experienced, or be experiencing. Also, the use of the Detained Fast Track Processes does not favour the proper identification and examination of cases involving gender-related violence or trafficking, owing to the speed with which asylum decisions are made, and the limited involvement of claimants' legal representatives.[41]

43. Another issue of concern highlighted is the situation of migrant domestic workers in the United Kingdom. The Special Rapporteur met with a large group of women domestic workers and representatives of NGOs providing support and assistance to migrant domestic workers. The testimonies of abuse included accounts of women being forced to work very long hours, both cleaning and/or taking care of children; not being allowed to take leave

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[34] See www.justice.gov.uk/downloads/publications/inspectorate-reports/hmipris/immigration-removal-centre-inspections/yarls-wood/Yarls-Wood-2013.pdf.

[35] See www.refugeewomen.co.uk/wp-content/uploads/2014/01/WRWDetained.pdf, p. 31.

[36] See www.asylumaid.org.uk/wp-content/uploads/2014/04/Asylum-Aid-SRVAW-briefing-April-2014.pdf.

[37] See www.refugeewomen.co.uk/wp-content/uploads/2014/01/WRWDetained.pdf, p. 6.

[38] See http://genderviolence.lshtm.ac.uk/files/2009/10/Asylum-seeking-Women-Violence-and-Health.pdf and www.refugeecouncil.org.uk/assets/0001/7039/RC_VWP-report-web.pdf.

[39] See www.publications.parliament.uk/pa/cm201314/cmselect/cmhaff/71/71.pdf, p. 22.

[40] See www.asylumaid.org.uk/data/files/unsustainableweb.pdf, p. 67.

[41] See United Nations Refugee Agency, Quality Initiative Report, February 2007–March 2008 (www.unhcr.org.uk/fileadmin/user_upload/pdf/5_QI_Key_Observations_and_Recommendations.pdf) and Quality Integration Report on the Detained Fast Track, August 2010 (www.unhcr.org.uk/fileadmin/user_upload/pdf/First_Quality_Integration_Project_Report_Key_Findings_and_Rec_01.pdf).

days during the year; being constantly shouted at by employers; not being allowed to talk to anybody; being forced to sleep in inadequate rooms, such as utility rooms, kitchens or children's rooms; and having their salaries withheld. Furthermore, testimonies were shared of domestic workers being subjected to coercion and deceit, with some employers deliberately trying to keep them uninformed and isolated, and misleading them about their legal status, their rights and the employer's power to have them incarcerated or deported. Migrant domestic workers' families usually depend on their remittances and thus women often feel they do not have a choice but to remain in exploitative or abusive situations.[42] The Special Rapporteur also heard allegations from NGOs that many domestic workers are trafficked into the country.

44. The new overseas domestic worker visa has raised further concerns, including because it affects whether domestic workers can change employers or renew their visas, even in abusive employment situations. NGO service providers have documented how migrant domestic workers with the new visa are clearly experiencing worse treatment by employers, as compared to those who entered the United Kingdom on the previous visa.[43]

III. Implications for effective citizenship rights

A. Civil and political rights

45. Worldwide, inequality, discrimination and violence against women are barriers to women's full participation in public and political life.

46. In July 2013, concerns were raised by the Committee on the Elimination of Discrimination against Women, including that women continue to be significantly underrepresented in certain occupations, including in Parliament, in the judiciary and on public sector boards. The United Kingdom ranks eleventh among member States of the European Union in terms of female representation, and fiftieth worldwide (see CEDAW/C/GBR/7, para. 88). The Committee was particularly concerned at the low representation in political life of black and ethnic minority women and women with disabilities (see CEDAW/C/GBR/CO/7, para. 42). Black and ethnic minority women represent 5.8 per cent of the population, yet make up less than 1 per cent of councillors at the local government level (see CEDAW/C/GBR/7, para. 93).

47. In Northern Ireland, concerns were raised with the Special Rapporteur regarding the exclusion of women from the peacebuilding processes and how their experiences of violence during and after the conflict have been mostly unrecognized. Calls have been made by some international human rights mechanisms for the implementation of Security Council resolution 1325 (2000), including the development of the relevant national action plans.

48. In 2010, women constituted 24 per cent of professional judges in England and Wales and 21 per cent in Scotland.[44] In 2012, women held 43 per cent of judicial posts in Northern Ireland, but there are no women on the High Court bench.[45]

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[42] See www.kalayaan.org.uk/documents/Kalayaan%20Oxfam%20report.pdf, p. 19.

[43] See www.kalayaan.org.uk/documents/Slavery%20by%20a%20new%20name-%20Briefing%207.5.13.pdf.

[44] See www.coe.int/t/dghl/cooperation/cepej/evaluation/2012/Rapport_en.pdf, p. 277.

[45] United Kingdom, House of Commons, "Women in Public life, the Professions and the Boardroom", standard note No. SN5170.

49. Regarding access to justice for women victims of violence, a crucial concern raised was in regard to the changes and cuts to legal aid, following the adoption of the Legal Aid, Sentencing and Punishment of Offenders Act 2012. Through this law, the majority of family law proceedings, including disputes involving access to/residence of children, were reportedly made ineligible for legal aid funding. Exceptions were made for applications for protective injunctions for domestic violence or forced marriage, as well as for divorce, matrimonial finance and cases relating to children where evidence of violence is provided [46]. Advocates argue, however, that the evidence required to demonstrate domestic violence places an onerous burden upon victims.[47] For example, women are required to pay for documentary evidence (£50 for a letter from their doctor and £60 for a memorandum of conviction), even when on welfare benefits, with no recourse to public funds.[48] Owing to the strict criteria, some of those excluded are victims who reached out to women's support groups, but not to the authorities; women who called the police but whose calls were unanswered; or women who did not call the police or see a doctor, because they suffered no serious physical injuries.[49]

50. In family law proceedings, victims are forced to face their perpetrators in court without the assistance of lawyers, while perpetrators can often afford legal representation. According to interviewees, women who seek justice and protection by participating in law family proceedings are frequently fearful of attending court and having to interact with the perpetrator.

51. Furthermore, the disproportionate effect that the legal aid cuts are having on black and minority ethnic women was consistently raised, as these women are more likely to experience poverty or very low levels of income. Women with disabilities and those from migrant communities, especially women who do not speak English, and women who are on low incomes or have "no recourse to public funds", were also identified as more vulnerable to violations of human rights and less likely to be able to access justice.

52. The Special Rapporteur also heard concerns about the emergence of alternative sources of support and arbitration within certain communities. Within such forums, "unaccountable community or religious leaders" settle matters in a way that does not necessarily provide justice to women. These include Jewish beth dins and Muslim arbitration tribunals that use the Arbitration Act 1996 to formally pronounce religious judgements in cases of divorce, child custody, domestic violence, forced marriage and inheritance. In these forums, emphasis is placed on family reconciliation, which often results in women being forced back into abusive families, divorce is discouraged and women are deterred from reporting or pursuing criminal proceedings.

B. Economic and developmental rights

53. Many women continue to be disproportionately overrepresented in part-time jobs, temporary work and self-employment and often work in low-wage, feminized sectors of the

[46] See https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/345515/legal-aid-evidence-for-private-family-law-matters.pdf.

[47] The criteria, provided through regulations 33 and 34, include protective injunctions for domestic violence, referrals to a multi-agency risk assessment conference, or reports from social services.

[48] See http://thewomensresourcecentre.org.uk/wp-content/uploads/Appendix-28_Legal-aid_FINAL2.pdf.

[49] Ibid.

economy.[50] They are also affected by unpaid care work and responsibilities. This is an issue that was particularly highlighted during interviews with NGOs who work with the black and minority ethnic communities.

54. Responding to and preventing violence against women needs to include basic survival needs, such as subsidized housing, income support, childcare and educational support.[51] However, in the current context of economic and financial constraints, interviewees claimed that there have been cutbacks to funding, which has impacted the provision of basic support services. Since 2010, the United Kingdom has adopted a fiscal policy that has been characterized by sustained reductions in public spending.[52] These austerity measures were originally launched in the aftermath of the 2008 financial crisis, with the aim of reducing the country's budget deficit over five years.[53] Such measures have been extended to apply until the fiscal year 2017/18.[54]

55. The devolution of authority to local authorities (referred to as localism by interviewees) on issues such as service provision has reportedly led to changes to commissioning models, including open tendering and short-term commissioning, and the increased participation of sectors that do not necessarily have the expertise to provide responsive and appropriate services. Submissions sent to the Special Rapporteur state that this move has come at the expense of the expertise and experience of community-based service providers. The increase in the commissioning of gender-neutral services, which disregard the specific needs of women and girls, was also highlighted as a concern.

56. The need for greater prioritization and investment by the National Health Service in tackling violence against women and girls was an issue raised by numerous interviewees. One report highlights recommendations to improve the provision of care and support for victims, including improved identification of victims, provision of support and appropriate referrals, and the commissioning of specialist services.[55] According to the Equality and Human Rights Commission, the health sector is yet to invest the resources necessary to treat violence against women as a major public health issue.[56]

57. Furthermore, owing to their experiences of violence and abuse, women victims of violence often present symptoms of depression and other mental health problems. The Government has recognized that there is a link between sexual and domestic violence, and mental health illness, and has developed mental health and suicide prevention strategies.[57] However, suicide still carries considerable social stigma and, together with self-harm, remains a hidden phenomenon in many communities. NGOs interviewed noted the insufficient attention paid to the particular intersections of violence, poverty and structural inequality, which is experienced by black and minority ethnic women and which places them at particular risk of suffering depression, anxiety and other mental health issues. They

[50] See www.fawcettsociety.org.uk/wp-content/uploads/2014/08/The-Changing-Labour-Market-2.pdf, p. 3.

[51] See www.engender.org.uk/content/publications/UNSR-briefing-final---March-2014---External.pdf, p. 6.

[52] See www.oxfam.org/sites/www.oxfam.org/files/cs-true-cost-austerity-inequality-uk-120913-en.pdf.

[53] Budget of June 2010.

[54] See https://www.gov.uk/government/speeches/autumn-statement-2012-chancellors-statement.

[55] See www.health.org.uk/media_manager/public/75/external-publications/Responding-to-violence-against-women-and-children%E2%80%93the-role-of-the-NHS.pdf, pp. 5–8.

[56] Response of the Equality and Human Rights Commission to the Joint Committee on Human Rights inquiry into violence against women and girls, p. 8.

[57] See https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/216928/Preventing-Suicide-in-England-A-cross-government-outcomes-strategy-to-save-lives.pdf.

further explained that, while specific services to address the mental health needs of black and minority ethnic women are sometimes found in larger cities, this is not the case in smaller towns, where women are often further isolated from their support networks and families.

58. In Northern Ireland, a concern raised by interviewees is the restrictive abortion law, under which termination of pregnancy is illegal unless it is necessary to preserve the life or health of women, but is not allowed in cases of rape or incest, or malformation of the foetus. The Special Rapporteur was informed of a 16-week public consultation launched by the Northern Ireland Government on a revised set of guidelines for the lawful termination of pregnancy.[58] However, no public consultation regarding the abolition of the law criminalizing abortion has been undertaken (see A/63/38, paras. 288 and 289).

59. Given the current economic realities, including the rising costs of living, testimonies reflect the weekly struggle, with women having to make hard choices regarding the purchase of basic foods, expenditure on children and meeting other household needs. Interviewees highlighted the detrimental and disproportionate impact of the rising cost of living, particularly for women with no income or with fixed incomes that are not in line with inflation, as well as for women who rely on benefits. The situation is even worse for asylum-seeking women who do not benefit from any social welfare, such as failed asylum-seeking women who cannot claim benefits such as Housing Benefit, Job Seeker's Allowance, Child Benefit or Family Tax Credit.

60. Domestic violence is recognized as a major cause of homelessness for women and is reportedly the fourth most common reason given for an application for housing in Scotland.[59] Changes to housing support in the United Kingdom, and the withdrawal of the Spare Room Subsidy, also known as the "bedroom tax", are reportedly reducing women's ability to find rental properties owing to the unavailability of suitably sized accommodation (see A/HRC/25/54/Add.2, para. 46). This is also causing bottlenecks in shelters, as women are unable to leave, thereby preventing other women and children getting safe accommodation and support.[60]

61. Women with disabilities shared concerns regarding abuse, fear of disclosure, leaving and homelessness. Interviewees stated that local authorities were failing to offer them priority housing based on both their disability and them being victims of domestic violence.

62. NGOs, particularly in Scotland and the North-East of England, also expressed concerns regarding the situation of destitute women asylum seekers, particularly those who have had their asylum claims refused. The Special Rapporteur heard of women often sleeping on the streets, and having to rely on the goodwill of friends or on food parcels from churches and from charity organizations.[61] Destitution puts women at further risk of experiencing violence, including sexual violence, or having to engage in transactional sexual activities in exchange for food and shelter. A 2012 study shows that of 67 women who were refused asylum interviewed, 67 per cent had become destitute, and of those 16 per cent had experienced sexual violence while destitute.[62]

63. The right to work and the right to social security are integral to the right to an adequate standard of living. Cutbacks in public spending often lead to increased unemployment. In the United Kingdom, the cuts to State spending have mainly affected

[58] See www.dhsspsni.gov.uk/termination-pregnancy-responses-2013.pdf.
[59] See www.scotland.gov.uk/Resource/Doc/328505/0106198.pdf, p. 3.
[60] See http://wbg.org.uk/pdfs/Womens-Aid-impact-of-cuts-on-domestic-abuse-services-Scotland(1).pdf.
[61] See www.asaproject.org/wp-content/uploads/2013/03/no-credibility.pdf.
[62] See www.refugeewomen.co.uk/wp-content/uploads/2015/04/refused.pdf.

social security and approximately 900,000 public sector jobs were due to be lost between 2011 and 2018.[63] This estimate has now risen to a 1.1 million.[64]

C. Social and cultural rights

64. Generally, social and cultural constructions of women's roles and status perpetuate stereotypes that disadvantage women and preclude the enjoyment of all their human rights, including the right to a life free of violence.

65. Practices justified on the basis of customs, religions and traditions also facilitate violence against women and girls in some instances. Negative and over-sexualized media portrayals of women and girls include women being predominantly represented in passive and stereotyped roles and often portrayed as victims. They are also far more likely to be referred to in terms of their age, physical appearance or family role in the media.[65] The proliferation of a "celebrity culture" and of beauty advertising has had a tremendous effect on girls' body image, with 29 per cent of 11–16 year girls being "not at all happy with the way they look".[66] This is further compounded by the stereotyped portrayal of rape and abuse victims; the underrepresentation of positive news items related to women; and men's domination in the leadership and shaping of the media industry.[67]

66. Other concerns regarding stereotyping include the narratives around single parenting, which often demonize single mothers; the infantilization of women with disabilities; the stereotyped assumptions about the skills and backgrounds of refugee, asylum-seeking and migrant women; and the stereotyping of lesbian, bisexual and transgender women in respect of relationships, family and reproductive choices.[68]

67. In the case of black and minority ethnic communities, interviewees explained how they tend to be represented by "self-styled community (business and religious) male leaders", who rarely represent the interests of women and increasingly adhere to patriarchal religious norms and values. This has resulted in the increased surveillance and policing of women, and the denial and silencing of issues that affect them, including gender-based violence. This situation is further exacerbated when government and statutory agencies seek to accommodate religious norms and values in the name of "religious sensitivity".

68. NGO service providers also expressed serious concerns about the problematic narratives surrounding violence against black and minority ethnic women and girls. Such narratives are often framed solely within notions of culture, community or religion, rather than within the larger context of a general patriarchal and discriminatory societal approach to women and girls. The consequence is that legal and policy responses are then limited to some harmful practices, such as early/forced marriages of young women and girls or female genital mutilation, as applicable to certain communities. This then ignores the harms emanating from other sexist practices that are prevalent in the United Kingdom, and which impact women and girls of all ethnic and racial backgrounds.

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[63] See www.ifs.org.uk/budgets/gb2013/gb2013.pdf, p. 5.

[64] See http://cdn.budgetresponsibility.independent.gov.uk/March-2013-EFO-44734674673453.pdf, p. 76.

[65] See www.fawcettsociety.org.uk/our-work/issues/attitudes-media-culture/.

[66] Ibid.

[67] Ibid.

[68] See www.engender.org.uk/content/publications/Gender-equality-and--Scotlands-constitutional-futures.pdf, p. 34.

IV. Challenges in fulfilling the State's obligation to act with due diligence to eliminate violence against women

69. The United Kingdom has committed to protecting and promoting the rights of women through its ratification of numerous international human rights instruments. The Government has also committed to ratifying the Council of Europe Convention on preventing and combating violence against women and domestic violence (the Istanbul Convention). Furthermore, numerous laws, policies and programmes have been put in place to address women's rights generally, and violence against women specifically.

70. The present section examines the measures taken by the Government of the United Kingdom to fulfil its international obligations, and also the challenges it faces to prevent, investigate, prosecute and punish violence against women, as well as to protect victims and provide them with effective remedies.

A. Prevention

71. Prevention is one of the guiding principles of the United Kingdom strategy on violence against women, and it aims to prevent violence against women and girls from happening in the first place by challenging the attitudes and behaviours which foster it, and intervening early to prevent it. Yet shortcomings remain in ensuring the promotion of gender equality and challenging harmful attitudes and behaviours, including among children and teenagers, especially at schools. According to interviewees, the work on issues such as bullying is often de-gendered, and the expansion of faith schools has led to reticence to provide education on sex, sexuality and relationships.

72. A 2013 study found a lack of high-quality, age-appropriate sex and relationships education in more than a third of the schools inspected in England.[69] Personal, social, health and economic education modules are not compulsory and, when offered by schools, often avoid discussion of sexual and emotional feelings and issues such as sexual abuse, homosexuality and pornography. The report also highlights how children and young people may be left at risk when they are not taught appropriate language or how to describe unwanted sexual behaviours, or where to go to for help.[70]

73. During the mission, no information was forthcoming as regards specific government programmes at the national level that address strategies to prevent violence aimed at women.

74. As regards the legal framework, while there is no general, stand-alone law on violence against women applicable to the United Kingdom as a whole, there are some legal instruments that aim to address the issue. These include the Equality Act 2010, the Domestic Violence Crime and Victims Act 2004, the Sexual Offences Act 2003, the Policing and Crime Act 2009, the Crime and Security Act 2010, the Forced Marriages (Civil Protection) Act 2007, the Female Genital Mutilation Act 2003 and the Protection from Harassment Act 1997. The Domestic Violence Immigration Rule was also introduced in 2002. In terms of harmful practices, new offences were recently introduced to criminalize forced marriage through the Anti-Social Behaviour, Crime and Policing Act 2014.

[69] See www.gov.uk/government/publications/not-yet-good-enough-personal-social-health-and-economic-education, p. 7.

[70] Ibid.

75. The Special Rapporteur heard concerns regarding current gaps in the law, including the lack of a specific prohibition of simulated rape pornography in the Criminal Justice and Courts Bill; the lack of adequate regulation in relation to the display of highly sexualized images of women in men's magazines; the non-existence of the criminal offence of "intentionally seriously impairing a person's psychological integrity through coercion or threats"; and the lack of provisions in the Immigration Rules to reflect the relevance of taking into account issues other than domestic violence against women and girls.[71] Concerns were also raised about the criminalization of forced marriage and its negative effect on reporting.[72]

76. NGOs also expressed concerns about the use of terms such as "domestic abuse" in legislation, which tends to conflate interpersonal/spousal violence with broader family violence incidents, and how is leading to gender neutrality in legislative developments. A positive exception was found in the practice of the Scottish Government, which uses the definition proposed in the Declaration on the Elimination of Violence against Women, which clearly identifies the gendered nature of violence against women and, more importantly, frames it as a human rights violation.

77. Regarding policies and programmes, in 2010, the Government of the United Kingdom developed the strategy "A Call to End Violence against Women and Girls", which is applicable in England and Wales. As part of the strategy, annual action plans are developed in consultation with relevant stakeholders and monitored by government departments. The Government's five-year strategy is aimed at improving access to justice, services and support for crime victims and witnesses. Its implementation is overseen by an interministerial group chaired by the Home Secretary. Furthermore, a stakeholder group, which consists of State and non-State actors, serves as an important forum for exchange of information and expertise and evaluation and identification of ways to improve the Government's responses to violence against women.

78. Similar initiatives have also been developed in the constituent countries. The Scottish Government has developed a draft violence against women strategy.[73] In Northern Ireland, a public consultation was undertaken in 2014 to adopt the Stopping Domestic and Sexual Violence and Abuse Strategy.[74] In Wales, the "Right to Be Safe" strategy was adopted in 2010 and has been coupled with efforts to draft new legislation to end violence against women, domestic abuse and sexual violence, in consultation with specialized third sector organizations.[75]

79. Efforts have been made to design and launch campaigns to reach out to young people and educate them about the various manifestations of violence, including in the home, in schools, in social media and on the Internet. The national prevention campaign

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[71] See response of the Equality and Human Rights Commission to the Joint Committee on Human Rights inquiry into violence against women and girls, March 2014. Available from www.equalityhumanrights.com/legal-and-policy/our-legal-work/parliamentary-briefings/response-equality-and-human-rights-commission-joint-committee-human-rights-inquiry-violence-against.

[72] See https://www.opendemocracy.net/5050/amrit-wilson/criminalising-forced-marriage-in-uk-why-it-will-not-help-women.

[73] Strategy document available from www.scotland.gov.uk/Topics/People/Equality/violence-women/strategydocuments.

[74] See www.dhsspsni.gov.uk/dsva-strategy.pdf.

[75] In 2010, the Welsh Government published "The Right to be Safe" (http://gov.wales/docs/dsjlg/publications/commsafety/100325besafefinalenv1.pdf). The Scottish Government is developing its own strategy on violence against women, which is likely to be published in summer 2014 (www.scotland.gov.uk/Topics/People/Equality/violence-women/strategydocuments).

"This is Abuse" is noteworthy and has been welcomed by the relevant stakeholders. It encourages teenagers to rethink their views about rape, consent, violence and abuse. The work by the Office of the Children's Commissioner includes a focus on child sexual exploitation and specific research on sexual exploitation within gangs and other social groups; abuse of children in care; access and exposure to pornography; and children's understandings of sexual consent.

80. While most stakeholders interviewed welcomed such initiatives, concerns were shared about the lack of a comprehensive and coordinated strategy to adequately address violence against women and girls across the entire country. The lack of a central budget and the emphasis on local decision-making are among potential risks to the effective implementation of the United Kingdom strategy.[76]

81. The shift from gender specificity to gender neutrality in the Government's responses to violence against women, which has occurred to the detriment of gender-specific initiatives and programmes, was also of concern to many stakeholders. It was stressed that policies and practices on equality generally, and those on violence against women in particular, are increasingly gender neutral and aim for equal treatment for all, thereby disregarding the need for special measures that acknowledge difference and recognize that women are disproportionately impacted by violence, inequality and discrimination.

82. Preventive measures on violence against women also require the development of national data collection systems. In July 2014, a parliamentary report raised concerns about the alleged underrecording of crime by police in England and Wales. The evidence pointed to manipulated police figures regarding rape and sexual abuse, which are commonly recorded as "crime-related" incidents or "no crimes".[77] This is reportedly due to "lax police compliance with the agreed national standard of victim-focussed crime recording", as well as pressure to achieve numerical targets.[78] Furthermore, the data currently collected tends to be part of a wider analysis of violent crime, rather than a specific assessment on the prevalence of violence against women and girls.[79]

83. In terms of training and capacity-building, the Special Rapporteur was made aware of progress made in the criminal justice system, particularly through the Crown Prosecution Service, which has worked with experts from the women's sector and academics to improve training for lawyers and judges. The Crown Office in Scotland has also implemented training programmes for staff and has revised its guidelines on domestic violence. Service providers welcomed such measures but raised concerns, as such training is mainly focused on the prosecution aspect of violence against women, as opposed to a wider range of practitioners involved in preventive work, such as the police and health and education professionals.

B. Protection

84. Protection provisions for victims of domestic violence, some of which came into existence in England and Wales through the Family Law Act 1996, were strengthened through the Domestic Violence Crime and Victims Act 2004 (which covers the four

[76] See www.equalityhumanrights.com/legal-and-policy/our-legal-work/parliamentarybriefings/response-equality-and-human-rights-commission-joint-committee-human-rights-inquiry-violence-against.

[77] See https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/329819/41437_Cm_8910_web_accessible.pdf.

[78] Ibid.

[79] Response of the Equality and Human Rights Commission to the Joint Committee on Human Rights inquiry into violence against women and girls, p. 5.

constituent countries). Non-molestation orders were amended to provide a criminal sanction for non-compliance, with a maximum sentence of five years' imprisonment. The act also provides for restraining orders, which can be imposed upon acquitted defendants when a court deems it necessary to protect a person. The 2004 Act also deemed "common assault", an offence for which the police can make an arrest at the scene, without a warrant.

85. The Crime and Security Act 2010, applicable throughout the United Kingdom, provides for a new civil protection order, the domestic violence protection order, which aims to give victims time, space and support to consider their options. The order places conditions on perpetrators, including restricting/removing perpetrators from households, and preventing contact with, or molestation of victims.[80] An evaluation report published in 2013 made some recommendations for better implementation of the order, including ensuring that police must routinely give reasons when neither a charge nor a protection notice is issued; the proactive monitoring of the protection notice; the enhancing of police training on these orders; and the need for clear guidance regarding "no contact", "non-molestation", and child contact arrangements.[81]

86. The Children's Act 1989 provides for the prohibited steps order, which can be granted by a court to prevent, among other steps, a parent from taking a child without the express permission of the other parent. The Forced Marriage (Civil Protection) Act 2007 allows a person threatened with forced marriage to apply for a forced marriage protection order before a court. The order may require such measures as confiscation of the passport of the wrongdoer and restrictions on their contact with the victim, and it can be issued against any person who aids, abets or encourages a forced marriage.

87. The Special Rapporteur was also informed of the Domestic Violence Disclosure Scheme in England and Wales that provides a framework for disclosing information to potential victims of domestic violence and abuse.[82] The aim of the scheme is to disclose information to an individual about previous violent offending by their partner. The disclosure might be triggered by a request made by a member of the public directly or by information that the police deem important to reveal to a potential victim.[83]

88. Some initiatives have been launched by Police Scotland to ensure coordinated and adequate police responses to domestic abuse. These include the establishment of the Domestic Abuse Coordination Unit, which works closely with local police units; the Domestic Abuse Investigation Units in every division, with an emphasis on proactive investigation; and the Domestic Abuse Task Force, to target "high tariff" perpetrators and undertake complex and protracted investigations. Also, the Domestic Abuse Multi-Agency Tasking and Coordinating process was set up in each of the 14 territorial police divisions, to proactively target high-risk perpetrators and reduce, among other issues, the number of domestic related homicides and repeat victims. A domestic abuse toolkit was developed, which identifies best practices when dealing with victims and perpetrators and provides a framework for police to follow. Furthermore, an online/third party/remote reporting system has been set up to encourage reporting, particularly among black and minority ethnic and other hard-to-reach communities. The Special Rapporteur was informed of a joint protocol signed between the police and prosecution services that outlines the procedures and practices that must be followed to address domestic abuse.

[80] See https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/260897/horr76.pdf, p. 4.

[81] Ibid., p. 7.

[82] See https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/260894/DVDS_assessment_report.pdf.

[83] Ibid., p. 2.

89. As regards sexual violence, since 2013, the Rape Support Fund has allowed for the support and extension of NGO-run Rape and Sexual Abuse Support Centres.[84] Furthermore, 45 Government-run, one-stop Sexual Assault Referral Centres have been established throughout the country. The Special Rapporteur visited one of the centres in Antrim, Northern Ireland, which is the region's first purpose-built centre. It provides specialized services and support to victims, while also encouraging and helping them to pursue their cases through the criminal justice system.

90. Regarding emergency helplines, there are some telephone lines available for women and children in crisis, mostly managed by third sector organizations, such as the National Domestic Violence Helpline, run in partnership between Women's Aid and Refuge; the All Wales Domestic Abuse and Sexual Violence Helpline managed by Welsh Women's Aid, on behalf of the Welsh Government; the Scottish Domestic Abuse Helpline; and the 24 Hour Domestic and Sexual Violence Helpline, run by Women's Aid Federation Northern Ireland. Rape crisis centres run sexual violence helplines across the country, as does the National Society for the Prevention of Cruelty to Children through its Child Protection Helpline. In addition to this, some smaller service providers offer their own specialist helplines at the community level.

91. Interviewees' concerns revolve around the implementation of existing laws and policies, owing to the lack of consistent, effective and sensitive implementation and the variation in police and other service responses across the United Kingdom.

92. Interviewees highlighted that the current austerity measures and the devolution of authority to local authorities was having a negative impact on the provision of services to women victims of violence. NGO service providers working at the community level are now forced to devote more time and human resources to comply with more burdensome fundraising, bidding and reporting requirements. They are being forced to make cuts to their frontline services as a result of reduced funding, whether by closing refuges, reducing support hours or increasing waiting time for services, including admission to shelters. Such measures have negatively impacted the health and safety needs of women and children, thus placing them at a heightened risk of re-victimization. Access to trauma services, financial support and housing are crucial, but current reforms to the funding and benefits system are negatively impacting women's ability to address safety and other relevant issues.[85]

93. Interviewees also stated that women from black and minority ethnic communities, women belonging to the lesbian, gay, bisexual, transgender and intersex (LGBTI) community and women with disabilities are more adversely affected by these cutbacks. These women are often subjected to entrenched discriminatory practices in the political, social and economic spheres and are more likely to depend on benefits and support from an increasingly underresourced non-profit sector. Some argued that it was precisely the specialized services catering for black and minority ethnic women which are more affected, even more so than the services available to the mainstream violence against women and girls service providers..

94. There are various benefits and entitlements, depending on whether a woman is a refugee, an asylum-seeking woman or a victim of trafficking. Women may face insecure immigration status, have no recourse to public funds or legal aid and face greater risks, including being unable to access emergency accommodation, including shelters, or claim housing benefit, income support and other State benefits. This leads to further

[84] See http://webarchive.nationalarchives.gov.uk/20130128112038/http://www.justice.gov.uk/news/press-releases/moj/4-million-to-help-rape-victims-rebuild-their-lives.

[85] End Violence against Women Coalition's submission to the Special Rapporteur.

victimization, vulnerabilities and risk of abuse. Migrant domestic workers, whose visas are tied to their employers, and who break the terms of their immigration status by leaving abusive employers, also face detention as immigration offenders if they do not go back home, unless they are victims of trafficking.

C. Prosecution and punishment

95. Many individuals stated during interviews that the justice system is not effectively equipped, or responsive, to address the specific needs of women and girl survivors of violence. Many interlocutors of all ages and backgrounds indicated that they do not consider the justice system a viable option to obtain remedies for several reasons, ranging from the inadequate police responses and the lack of coordination among the various State agencies to the low levels of prosecution and the negligible conviction rates in such cases. Furthermore, the cuts to legal aid make it virtually impossible for some women to consider using the criminal justice system, as they cannot afford advice, representation or the costs linked to gathering the relevant evidence.

96. Regarding the police response to domestic violence, interviewees reported a pattern of continued scepticism, indifference and a lack of empathy towards women, particularly women from black and minority ethnic communities. Effective action is rare even when injuries from physical assaults are visible, and is virtually non-existent in cases of coercive control involving emotional, sexual and financial abuse. These concerns echo the findings of the March 2014 report by the Inspectorate of Constabulary, which found that domestic abuse is a priority on paper, but not in practice, in the majority of forces.[86] In response to concerns, one recent development is the setting up of a new domestic abuse national oversight group, chaired by the Home Secretary.

97. Interviewees also highlighted that investigations are often not undertaken, or are done superficially. Besides the immediate safety concerns for victims, the failure of the police to investigate or provide support can also affect other legal proceedings, such as child custody or immigration matters. For example, the failure to take account of, and adequately investigate, reports of domestic violence can result in migrant women being denied the right to remain in the United Kingdom as allowed under immigration law. In other cases, police failure to properly record or act on domestic violence can have an adverse effect on women's applications for legal aid in family proceedings, including when seeking a divorce or protection order or submitting an application for child-related residence and contact orders.

98. Interviewees argued that the failures of the police response are compounded by weak protection by the court system, which is widely perceived to be biased in favour of men and is focused on individual incidents of violence, rather than addressing the cumulative nature of domestic violence. In Scotland, for example, courts are required to consider the safety of children under 16 when hearing civil applications for "contact or residence" from estranged parents, with domestic abuse being a safety concern to be considered.[87] Interviewees claim that family lawyers and sheriffs may have a limited understanding of the dynamics of domestic abuse, with children and mothers often being obliged to keep unsafe and inappropriate contact with perpetrators of violence. Concerns were also expressed about shared parenting increasingly being seen as an appropriate,

[86] See https://www.justiceinspectorates.gov.uk/hmic/wp-content/uploads/2014/04/improving-the-police-response-to-domestic-abuse.pdf, p. 6.

[87] The 2006 Family Law (Scotland) Act introduced the need to protect the child from the risk of abuse in granting an order for contact or residence.

default position without due consideration of the best interests of the child. The Special Rapporteur also heard accounts of women, including those with disabilities, being deemed unfit mothers for having "failed to protect" their children from an abusive parent.

99. The victims of sexual violence interviewed expressed reservations about using the criminal justice system, owing to the lack of a responsive and supportive environment, which adds to their trauma and re-victimization, and the low levels of prosecution and convictions. Interviewees reported how victim-blaming, assumptions made based on the clothing worn by victims, the number of previous sexual partners or whether there had been prior consensual sexual contact with the perpetrator, all negatively influence the way women are treated when reporting sexual violence.

100. In terms of the low levels of convictions for cases of domestic and/or sexual violence, the Special Rapporteur was informed by interviewees that this is due to the nature of the offences, which often happen in private with no witnesses; underreporting by victims owing to, for example, fear of the perpetrator, fear they will not be believed or fear of repercussions for their family; the high number of victims who withdraw complaints or support for prosecutions even when a decision to prosecute has been taken; the fact that defendants know that there may be a withdrawal of support for prosecution which means that they will not make any admissions in interviews and will plead not guilty in court in anticipation that the victim will not give evidence; applications by defendants that lead to a delay in trials; and the issue of abuse linked to past incidents, which has an effect on the quality of the evidence owing to time and memory lapses.

101. As regards harmful practices, interviewees made reference to the public consultation process and their participation therein. They reiterated concerns about how the criminalization of forced marriage may lead to lower levels of reporting, as children and young women may not want a prosecution. Recommendations shared by service providers to encourage victims and potential victims to report include: strengthening existing legislation, such as the criminalization of breaches of forced marriage protection orders; prioritizing safety and empowerment measures over prosecution; and providing a package of specialist services, including safe accommodation, as well as practical and emotional support.[88] Such recommendations are also applicable to FGM cases, the first prosecution of such a case having taken place in 2014. Despite political declarations on the elimination of harmful practices, interviewees stressed the need for de facto remedies, including awareness-raising, training of frontline service agencies and investment in specialist women-centred services, to effectively protect women and girls from such practices.

D. Provision of effective redress, including reparations

102. Effective remedies must guarantee the rights of women to access both criminal and civil remedies, and the establishment of effective protection, support and rehabilitation services, including reparations.

103. The Criminal Injuries Compensation Scheme is a Government-funded scheme designed to compensate victims of violent crime, including domestic and sexual abuse, with awards calculated to reflect the seriousness of injuries. It includes compensation for mental or physical injury following a crime of violence, sexual or physical abuse, loss of earnings, and special expenses payments incurred as a direct result of an incident. The Special Rapporteur did not receive specific information as to whether women victims of violence

[88] See https://www.opendemocracy.net/5050/amrit-wilson/criminalising-forced-marriage-in-uk-why-it-will-not-help-women.

are benefiting from such compensation schemes, or whether such measures are meeting the goals of transformative reparations.

V. Conclusions and recommendations

104. **The Government of the United Kingdom has declared violence against women and girls to be a national priority. It has developed a number of strategies and action plans to address the issue at the national level, as have the constituent countries. These initiatives have been developed with the participation of civil society stakeholders and are monitored across government departments and by third sector organizations.**

105. **In most cases, however, these initiatives have resulted in isolated pockets of good practice and often depend on the personal commitment and leadership of individuals and certain authorities. This is largely due to the lack of a consistent and coherent human rights-based approach in the Government's response to violence against women and girls.**

106. **The Special Rapporteur is concerned about a number of regressive measures that have been adopted. These include the shift from gender specificity to gender neutrality, including gender-neutral services being increasingly favoured; power being devolved to local authorities on such issues as service provision, including changes to commissioning models which are detrimental to experienced community-based service providers; austerity measures that are having an effect on the provision of services to address violence against women; as well as other cross-cutting issues affecting women, such as poverty and unemployment. Women from black and minority ethnic communities, as well as migrant, refugee and asylum-seeking women, women belonging to the LGBTI community, and women with disabilities, have been further affected by these cutbacks, as specialized services catering for their specific needs have been reduced.**

107. **The Special Rapporteur would like to address the following recommendations to the Government of the United Kingdom:**

(a) **Prevention and awareness-raising:**

(i) **Continue working in close cooperation with specialist third sector organizations to develop strategic, and sustained public campaigns to prevent violence against women and girls and to change sexist attitudes and behaviours;**

(ii) **Ensure the consistent regulation and restriction of harmful and misogynistic images of women in the media that condone discrimination and abuse against them;**

(iii) **Ensure a holistic approach to prevention of violence against women and girls by including appropriate and comprehensive sex and relationship education in schools as a compulsory subject; providing adequate training to teachers and other school staff; and developing gender-specific prevention policies;**

(b) **Service provision:**

Urgently address the funding crisis faced by the specialist violence against women and girls sector, by:

(i) **Evaluating the funding policy for specialist services to address violence against women and making the necessary changes to ensure**

long-term and sustainable funding from the central Government and/or the local authorities;

(ii) Ensuring that specialist services are available and accessible for black and minority ethnic women, for refugee and asylum-seeking women, as well as women facing particular barriers, such as women with disabilities and women from the LGBTI community, and dedicating "ring-fenced" funding for such specialist services;

(iii) Establishing the necessary safeguards to guarantee that local authorities operate within a human rights framework, and in compliance with the international obligations of the United Kingdom, when addressing the issue of violence against women and girls, particularly when making commissioning decisions.

(iv) Creating and maintaining a strong and sustained network of specialist women-centred services that provide prevention, protection and support services.

(c) Law and policy reform:

(i) Address normative gaps in legislation, at the national and constituent country levels;

(ii) Develop, in consultation with women's organizations and experts, implementation plans directed at key governmental departments, in order to strengthen the strategy "A Call to End Violence against Women and Girls" and the related action plans;

(iii) Set up specific taskforces or working groups, with representation of women from black and minority ethnic and refugee communities, to ensure effective policy and programming on violence against them;

(iv) Launch a comprehensive consultation with third sector organizations to evaluate the effects that the changes to legal aid has had on women victims of violence, with a view to addressing the challenges being articulated in access and implementation;

(v) Establish a specific policy which is responsive to disclosure and which includes an oversight component regarding asylum-seeking women. This is necessary to ensure that women's histories of victimization and abuse are taken into consideration when examining asylum claims and when considering the detention of asylum seekers;

(vi) Conduct an investigation into allegations of abuse, detention and removal of domestic workers, including those who are negatively impacted by the new visa policy;

(vii) Facilitate an independent examination of allegations of abuse in Yarl's Wood Immigration Removal Centre, and ensure that all complaints are thoroughly investigated and alleged perpetrators held accountable for violations;

(viii) Establish specific safeguards to ensure that women's histories of victimization and abuse are taken into consideration when making decisions about incarceration, especially for non-violent crimes;

(ix) **Implement fully the recommendations made by the Corston Report,[89] including the call to replace the women's prison estate with small women-specific custodial units with appropriate and necessary services;**

(x) **Implement the recommendations of the Committee on the Elimination of Discrimination against Women, such as the adoption of temporary special measures, to accelerate de facto equality between men and women in the country as a whole, as well as the full implementation of Security Council resolution 1325 (2000) in Northern Ireland.**

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[89] Available from www.justice.gov.uk/publications/docs/corston-report-march-2007.pdf.